

107TH CONGRESS  
1ST SESSION

# H. R. 54

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. CONDIT (for himself and Mr. PORTMAN) introduced the following bill;  
which was referred to the Committee on Rules

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## A BILL

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Mandates Information  
5       Act of 2001”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) before acting on proposed private sector  
9       mandates, Congress should carefully consider their  
10      effects on consumers, workers, and small businesses;

1           (2) Congress has often acted without adequate  
2           information concerning the costs of private sector  
3           mandates, instead focusing only on their benefits;

4           (3) the implementation of the Unfunded Man-  
5           dates Reform Act of 1995 has resulted in increased  
6           awareness of intergovernmental mandates without  
7           impacting existing environmental, public health, or  
8           safety laws or regulations;

9           (4) the implementation of this Act will enhance  
10          the awareness of prospective mandates on the pri-  
11          vate sector without adversely affecting the environ-  
12          ment, public health, or safety laws or regulations;

13          (5) the costs of private sector mandates are  
14          often borne in part by consumers, in the form of  
15          higher prices and reduced availability of goods and  
16          services;

17          (6) the costs of private sector mandates are  
18          often borne in part by workers, in the form of lower  
19          wages, reduced benefits, and fewer job opportunities;  
20          and

21          (7) the costs of private sector mandates are  
22          often borne in part by small businesses, in the form  
23          of hiring disincentives and stunted economic growth.

24 **SEC. 3. PURPOSES.**

25          The purposes of this Act are—

1 (1) to improve the quality of Congress’ delibera-  
 2 tion with respect to proposed mandates on the pri-  
 3 vate sector, by—

4 (A) providing Congress with more complete  
 5 information about the effects of such mandates;  
 6 and

7 (B) ensuring that Congress acts on such  
 8 mandates only after focused deliberation on  
 9 their effects; and

10 (2) to enhance the ability of Congress to distin-  
 11 guish between private sector mandates that harm  
 12 consumers, workers, and small businesses, and man-  
 13 dates that help those groups.

14 **SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.**

15 (a) IN GENERAL.—

16 (1) ESTIMATES.—Section 424(b) of the Con-  
 17 gressional Budget Act of 1974 (2 U.S.C. 658c(b)) is  
 18 amended by adding at the end the following:

19 “(4) ESTIMATE OF INDIRECT IMPACTS.—

20 “(A) IN GENERAL.—In preparing esti-  
 21 mates under paragraph (1), the Director shall  
 22 also estimate, if feasible, the impact (including  
 23 any disproportionate impact in particular re-  
 24 gions or industries) on consumers, workers, and  
 25 small businesses, of the Federal private sector

mandates in the bill or joint resolution,  
including—

“(i) an analysis of the effect of the  
Federal private sector mandates in the bill  
or joint resolution on consumer prices and  
on the actual supply of goods and services  
in consumer markets;

“(ii) an analysis of the effect of the  
Federal private sector mandates in the bill  
or joint resolution on worker wages, work-  
er benefits, and employment opportunities;  
and

“(iii) an analysis of the effect of the  
Federal private sector mandates in the bill  
or joint resolution on the hiring practices,  
expansion, and profitability of businesses  
with 100 or fewer employees.

“(B) ESTIMATE NOT CONSIDERED IN DE-  
TERMINATION.—The estimate prepared under  
this paragraph shall not be considered in deter-  
mining whether the direct costs of all Federal  
private sector mandates in the bill or joint reso-  
lution will exceed the threshold specified in  
paragraph (1).”.

1           (2) POINT OF ORDER.—Section 424(b)(3) of  
2           the Congressional Budget Act of 1974 (2 U.S.C.  
3           658c(b)(3)) is amended by adding after the period  
4           at the end the following new sentence: “If such de-  
5           termination is made by the Director, a point of  
6           order under this part shall lie only under section  
7           425(a)(1) and as if the requirement of section  
8           425(a)(1) had not been met.”.

9           (3) THRESHOLD AMOUNTS.—Section 425(a) of  
10          the Congressional Budget Act of 1974 (2 U.S.C.  
11          658d(a)(2)) is amended—

12                 (A) by striking “and” after the semicolon  
13                 at the end of paragraph (1) and redesignating  
14                 paragraph (2) as paragraph (3); and

15                 (B) by inserting after paragraph (1) the  
16                 following new paragraph:

17                 “(2) any bill, joint resolution, amendment, mo-  
18                 tion, or conference report that would increase the di-  
19                 rect costs of Federal private sector mandates (ex-  
20                 cluding any direct costs that are attributable to rev-  
21                 enue resulting from tax or tariff provisions of any  
22                 such measure if it does not raise net tax and tariff  
23                 revenues over the 5-fiscal-year period beginning with  
24                 the first fiscal year such measure affects such reve-

1 nues) by an amount that causes the thresholds spec-  
 2 ified in section 424(b)(1) to be exceeded; and”; and  
 3 (3) in paragraph (3) (as redesignated), by strik-  
 4 ing “Federal intergovernmental mandates by an  
 5 amount that causes the thresholds specified in sec-  
 6 tion 424(a)(1)” and inserting “Federal mandates by  
 7 an amount that causes the thresholds specified in  
 8 section 424 (a)(1) or (b)(1)”.

9 (4) APPLICATION RELATING TO APPROPRIA-  
 10 TIONS COMMITTEES.—Section 425(c)(1)(B) of the  
 11 Congressional Budget Act of 1974 (2 U.S.C.  
 12 658d(c)(1)(B)) is amended—

13 (A) in clause (i) by striking “intergovern-  
 14 mental”;

15 (B) in clause (ii) by striking “intergovern-  
 16 mental”;

17 (C) in clause (iii) by striking “intergovern-  
 18 mental”; and

19 (D) in clause (iv) by striking “intergovern-  
 20 mental”.

21 (5) APPLICATION RELATING TO CONGRES-  
 22 SIONAL BUDGET OFFICE.—Section 427 of the Con-  
 23 gressional Budget Act of 1974 (2 U.S.C. 658f) is  
 24 amended by striking “intergovernmental”.

1 (b) RULES OF THE HOUSE OF REPRESENTATIVES.—  
 2 Clause 11(b) of rule XVIII of the Rules of the House of  
 3 Representatives is amended by striking “intergovern-  
 4 mental” and by striking “section 424(a)(1)” and inserting  
 5 “section 424(a)(1) or (b)(1)”.

6 (c) EXERCISE OF RULEMAKING POWERS.—This sec-  
 7 tion is enacted by Congress—

8 (1) as an exercise of the rulemaking power of  
 9 the Senate and the House of Representatives, re-  
 10 spectively, and as such they shall be considered as  
 11 part of the rules of such House, respectively, and  
 12 such rules shall supersede other rules only to the ex-  
 13 tent that they are inconsistent therewith; and

14 (2) with full recognition of the constitutional  
 15 right of either House to change such rules (so far  
 16 as relating to such House) at any time, in the same  
 17 manner, and to the same extent as in the case of  
 18 any other rule of each House.

19 **SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.**

20 Section 421(5)(B) of the Congressional Budget and  
 21 Impoundment Control Act of 1974 (2 U.S.C. 658(5)(B))  
 22 is amended—

23 (1) by striking “the provision” after “if”;

24 (2) in clause (i)(I) by inserting “the provision”  
 25 before “would”;

1           (3) in clause (i)(II) by inserting “the provision”  
2       before “would”; and  
3           (4) in clause (ii)—  
4           (A) by inserting “that legislation, statute,  
5       or regulation does not provide” before “the  
6       State”; and  
7           (B) by striking “lack” and inserting “new  
8       or expanded”.

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